

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RON ALLEN HUNTER,)
)
)
Plaintiff,)
)
)
v.) **Case No. 1:23-cv-287**
)
)
WARDEN SUTTER, et al.,)
)
)
Defendants.)

MEMORANDUM ORDER

This action was received by the Clerk of Court on October 11, 2023. The matter was assigned and referred to Chief United States Magistrate Judge Richard A. Lanzillo, for Report and Recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules of this Court pertaining to Magistrate Judges.

Plaintiff Ron Allen Hunter’s (“Hunter”) Amended Complaint raises Eighth Amendment claims against several employees of the Erie County, Pennsylvania Prison, where he was previously incarcerated. *See* ECF No. 41. The Defendants have moved to dismiss or, in the alternative, for summary judgment. *See* ECF No. 42. Hunter cross-moved for summary judgment. ECF No. 54.

On November 27, 2024, Chief Magistrate Judge Lanzillo issued a Report and Recommendation recommending that the Defendants’ motion for summary judgment be granted and that Hunter’s cross-motion be denied. To date, Hunter has not filed objections to these recommendations and the time for doing so has now passed. The Court therefore considers the unchallenged Report and Recommendation only for clear error or manifest injustice. *See Smith*

v. Pennsylvania State Police, 2023 WL 3198210, at *1 (W.D. Pa. May 1, 2023) (citing Fed. R. Civ. P. 72(b)). After carefully considering Chief Judge Lanzillo's Report (ECF No. 79), the Court discerns no clear error or manifest injustice. Accordingly, it is hereby ORDERED as follows:

AND NOW, this 10th day of January 2025;

IT IS ORDERED that the Defendants' motion for summary judgment [ECF No. 42] is granted.

IT IS FURTHER ORDERED that final judgment is entered in favor of Defendants and against Plaintiff pursuant to Fed.R.Civ.P. 58.

IT IS FURTHER ORDERED that Hunter's motion for summary judgment [ECF No. 54] is denied.

AND, IT IS FURTHER ORDERED that the Report and Recommendation of Chief Magistrate Judge Lanzillo, issued on November 27, 2024 [ECF No. 79] is adopted as the Opinion of the Court. The Clerk of Court is directed to mark this case CLOSED on the Court's docket.



SUSAN PARADISE BAXTER
United States District Judge